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Term. Disclaim



PATENT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON

MARCH 27, 2002

Mark B. Quatt

Mark B. Quatt Registration No. 30,484

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caudle Docket No: D-43260-04
Serial No.: 09/846,714 Examiner: Jes F. Pascua
Filing Date: May 1, 2001 GAU: 3727
Title: Contoured Pouch With Pourable Spout, and Apparatus and Process for Producing Same

Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. § 321(c)

I, Mark B. Quatt, represent that I am an attorney of record in the above-identified patent application.

Cryovac, Inc., the owner of a 100 percent interest in the above-identified application, as well as the owner of U.S. Patent No. 6,244,747 (Caudle), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-56 and 173 of the prior patent forming the basis of the double patenting rejection – namely, U.S. Patent No. 6,244,747. Any patent granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors, or assigns.

In making this disclaimer, no terminal part of any patent granted on the above-identified application before the expiration date of the full statutory term of prior U.S. Patent No. 6,244,747 is disclaimed if the prior patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all

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claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated before the expiration of its full statutory term.

Please charge the fee required by 37 C.F.R. § 1.20(d), \$110.00, as well as charging any additional fees or crediting any overpayments, to Deposit Account No. 07-1765.

Any questions regarding this submission should be directed to the attention of the undersigned.

Respectfully submitted,

Date: MARCH 27, 2002

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